

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

OBERWIL CORP.,  
Plaintiff,  
v.  
366-394 WILSON AVE, LLC, *et al.*,  
Defendants.

Civil Action No.: 21-13469 (CCC-ESK)

**ORDER**

This matter comes before the Court on plaintiff Oberwil Corp.’s (“Plaintiff”) motion to remand this matter to state court for lack of federal subject matter jurisdiction and to award attorney’s fees. ECF No. 12. Defendants 366-394 Wilson Ave, LLC, Salomone Bros. Inc., and Environmental & Geotechnical Services LLC filed an opposition. ECF No. 19.<sup>1</sup> On February 22, 2022, Magistrate Judge Edward S. Kiel issued a Report and Recommendation that Plaintiff’s motion be granted to the extent it seeks a remand of this action to state court and be denied to the extent it seeks an award of attorney’s fees and costs. ECF No. 28. The parties had 14 days to file any objections to the Report & Recommendation. *Id.* at 10 (citing Local Civil Rule 72.1(c)(2)). No objections have been filed thereto. The Court has considered the submissions of the parties (ECF Nos. 12, 19, 23), and Judge Kiel’s Report and Recommendation, and for substantially the same reasons stated therein,

**IT IS** on this 9<sup>th</sup> day of March, 2022,

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<sup>1</sup> Plaintiff named the following parties as defendants: (1) 366-394 Wilson Ave, LLC; (2) Salomone Bros., Inc.; (3) Environmental & Geotechnical Services, LLC; (4) Joseph Salomone; and (5) John Lynch. ECF No. 1-1 ¶¶ 4–9. No appearance has been entered for Joseph Salomone and John Lynch as of this date.

**ORDERED** that this Court adopts Judge Kiel's February 22, 2022 Report and Recommendation (ECF No. 28) that Plaintiff's motion be granted to the extent it seeks a remand of this action to state court and be denied to the extent it seeks an award of attorney's fees and costs; and it is further

**ORDERED** that this action is remanded, and the Clerk of the Court shall close this case.

s/ Claire C. Cecchi  
**HON. CLAIRE C. CECCHI**  
**United States District Judge**